
STRICTURES

ON THE

FORM OF SWEARING

BY

KISSING THE GOSPELS.

[PRICE SIX-PENCE.]

STRICTURES

ON THE

FORM OF SWEARING

BY

KISSING THE GOSPELS.

IN A

LETTER

FROM A FOREIGN PROTESTANT

TO HIS FRIEND ABROAD.

Long since our infant age is past,
Our childish toys behind us cast;
No more our aged nurse we heed,
Nor follow where she strives to lead.

L O N D O N :

Printed by R. DENHAM, No. 20, Salisbury Square.

Sold by G. KEITH, Gracechurch Street; D. MURRAY,
Princes Street, Soho; and J. MATHEWS, Strand.

Syn. 5. 78. 26"



72... 5414

STRICTURES, &c.

To * * * *

My dear Friend,

I Have now for several months resided in the boasted land of Liberty, where she is said to have her fixed and favourite seat. Instead of finding myself in the dismal regions where tyranny, ever jealous, ever cruel, might for one rash word hurry me to the Gallies, or a court of Inquisition; or in that seat of more gay and more refined slavery, where one is in danger of a lodging in the Bastile, for detracting from the honours of the *grand monarque*, or for refusing the usual prostrations to the consecrated wafer, I have the satisfaction to be in a place where the yoke of power, so galling to others, is little felt; where majesty is tempered with mildness, and authority bridled by law and equity; where the ruled think they rule; and where every peasant and mechanic thinks himself as good a man as the King,

B

There



There is indeed no country in which one may enjoy himself with less controul than in England; and no where do the people make a greater use, I should say abuse, of their liberty. Violent and prone to extremes, they know no mean. Hence licentiousness here rears her head, adorned with their cap of liberty. They will roar and swear, get drunk, break the sabbath, blaspheme their God and their king, in order to prove themselves free. But I hope you do not suspect that I mean to take the licence of the country for such purposes as these. My education in a land of stricter piety and virtue, though not of less liberty, gave me an early distaste of dissipation and libertinism, which I hope will not forsake me when I change my air and climate. Besides, true liberty and duty are always, in my opinion, of equal extent: and certainly, no man ought to account himself free to do what he ought not of right to do; but ought to restrain himself from whatever conscience and the laws of morality and religion forbid, though there were no such things as kings, laws, and governments in the world.

Mankind when most improved, and human governments in their best forms, have many defects and glaring imperfections cleaving to them.

The

The longer I live, and the more I see of the world, the more I am persuaded that ignorance, prejudice, and folly, are common to our kind, As vices and crimes appear every where, so there are certain weakneses, absurd foibles, and prepossessions, incident to every nation; and those which relate to religious opinions, rites, and customs, are usually of all others, the most inveterate and hard to be dealt with. Not only children, but grown men, and even great and enlightened nations, have their hobby-horses, which they can hardly be prevailed upon to resign, and which one dare scarce touch with impunity. Many such are very visible to a stranger's observation in England, however blind the English are become, through the force of habit and prejudice, to their own absurdities. They are like blackamoors, who persuade themselves, that their own grim colours and tawny features, are of all others, the most becoming and beautiful, When Mr, Pope, one of the sweetest of their poets, compares human nature to a field *where flowers and weeds promiscuous shoot*, he gives no improper description of England,

Since I came here, I have been greatly puzzled to reconcile a multitude of incongruities; and have felt a mixture of very different senti-

ments prevailing in my breast. I am forced to praise and censure by turns; one while, I am filled with admiration and esteem; and another, I am constrained to yield to disgust and contempt. In some things, I venerate the English as the models of perfection; and in others, must consider them as the most striking instances of human infirmity. Sometimes, I am disposed to look on them as more, and sometimes as less than men. It is somewhat strange, yet here we see it verified, that a largeness and narrowness of soul, may meet in the same persons; that liberty of one kind and tyranny of another, may subsist in the same constitution; that philosophy and bigotry may be reconciled, and by their union greatly strengthen each other; and that the same men may be both irreligious and superstitious; most liberal in some things, and most intolerant in others.

If the English have made a near approach to the ancient Athenians in politeness, wisdom, and philosophy, they resemble them also in another part of their character not so honorable; being, like them, in almost all things, "too superstitious." The various instances of this, were they enumerated, would fill a volume. I have already in the course of my correspondence pointed out
some

some of these; and perhaps, hereafter, according to your desire, may give you an account of many more. I shall confine myself, at present, to their common mode of administering an oath, which one would think should be, of all other things, most simple and disencumbered from any idle or freakish rites, lest any good subject should scruple the use of it, and hereby be cut off from the common privileges of society.

An oath has ever been considered as a principal and sacred act of religion in every country, and one that is of the greatest importance to the due regulation and welfare of civil society. Without it, testimonies, promises, and covenants, would be deprived of their greatest force, and highest sanction. Every wise legislature, therefore, has been careful to maintain the solemnity and dread of an oath, to prevent the profanation of it, and to punish perjury with severity. In ancient times, when religion was in its native and original simplicity, oaths were so too; till the spirit of innovation, and the taste for unmeaning and superstitious rites, gradually changed and adulterated all things. It was once reckoned sufficient reverently to mention the divine name, and to make a solemn appeal to the supreme being, invoking him as a witness, and
lifting

lifting up the hand to heaven in token thereof. While mankind acknowledged only the one supreme deity, they addressed this piece of homage to none but him: and a little reflection might easily convince them, that it must be absurd and vain, in the highest degree, to do otherwise; as the whole use and force of an oath, must arise from the lively impression on the mind, of the holiness, justice, and omniscience of the object by whom the person swears, and of his absolute power to punish or reward. The God of Jews and Christians, claims this as his peculiar and unalienable prerogative, prohibiting it as a species of the most sacrilegious impiety, to swear by any other object, whether in heaven or earth, visible or invisible, sacred or common*. And throughout the sacred oracles, which are always to be attended to as the rule of divine worship, lifting up the hand is often mentioned as the mode of swearing, most usual and approved, even as it is the most natural†.

But in process of time, both the object and manner of swearing were altered. When the nations got *lords many*, and *gods many*, some in

* Deut. vi. 13. Psal. lxxiii. 11. Is. xlv. 23. and Jer. iv. 2. Mat. v. 34, 35, 36. Heb. vi. 13.

† Gen. xiv. 22, 23. Ezek. xx. 5, 6. Dan. xii. 7, Rev. x. 5, 6.

heaven,

heaven, and some in earth, and some under the earth; the objects by which they swear, were multiplied in proportion. Hence came oaths by Baal and Malchom; by Jove and Juno, Castor and Pollux, Hercules and Quirinus, and all the gods and goddesses. It became the custom among the Romans, to swear by the *genius* of their emperors, which they did with such respect and veneration, that they durst not violate that oath; and such as did so were condemned to be whipt; which made many scruple to swear in that manner. The emperor *Caligula* put to death some Romans because they refused to do it. He is said even to have gone to such a degree of madness, as to command the same honours to be paid to his horse, when he proposed him to be his colleague in the empire. As superstition grew, various forms and rites in swearing were also introduced, according to the different fancies of these supposed deities, or the capricious taste of their worshipers. They laid their hands on altars, and other things consecrated and supposed sacred. In the temple of the *Palique* gods in Sicily, where the most solemn oaths were taken, were two basins or reservoirs * always full of water without running

* Nec longe inde lacus breves sunt, quos incolæ Crateres vocant, et nomine *Dellos* appellant, fratresque eos palicorum æstimant. *Macrob.*

over, where the perjured were said to be punished on the spot with loss of sight, or some other notable mark of vengeance*. Aristotle says, that such as swore, wrote his oath on a billet, which he threw into the water; if the oath was true the billet swam, but disappeared if it was false. Apollonius speaks of a like fountain at Tyane in Cappadocia†. But to enumerate the various rites used in this part of religious worship would be tedious, and to one conversant in ancient history, is superfluous,

Nor need I stay to trace the progress of superstition among Christians. It is well known how much, and how early, Christianity was adulterated, by adopting great part of the Pagan ritual into its service, and accommodating it to the prevailing taste and customs of the heathen world. The christian faith, when thus new modelled, appeared to be but a copy of the ancient fabulous mythology; and the liturgy and worship of christians, to be the mimic of that which obtained among the nations when they “became vain in their imaginations, and worshipped and served the creature more than the creator.” Then nothing would go down but a troop

* Diodor. Sicul. Lib. xi. Silius Hal. L. 14.

† Apollon. Tyan. Lib. i. c. 4.

of divinities, visible and palpable objects of adoration, and a pompous parade of external ceremonies, humanly devised and arbitrarily imposed. Hence, instead of *Pantheons* or temples dedicated to all the gods, came churches consecrated to all the saints. Instead of Cybèle, Juno, Venus, and other antiquated goddesses, came the virgin Mary, (stiled Queen of Heaven) and female saints and heroines in abundance, Angels supplied the place of ancient *demons* and *genii*. And for deified heroes, the Romish church soon replenished heaven with whole constellations of martyrs, and other canonized mortals. Hence temples, altars, crucifixes, reliques, &c. became venerable and sacred things. To bow unto them, to touch or kiss them, or, in other words, to worship them, became the highest acts of mens devotions. Vows and oaths were accordingly made in this manner. And hence, doubtless, sprang the custom of swearing by laying the hand upon the Gospels, and kissing them.

When this method was first introduced among Christians, might, perhaps, be difficult to determine. It appears, that as early as the days of Chrysostome it began to be used, for that Father inveighs against the practice, and greatly blames

C

those

those who presented a book to swear upon. However this, or other modes equally culpable and superstitious, it is well known, became at last common in the Romish church, and continue so still. Many of the protestant churches condemned the usage, and laid it aside. The Protestant church of France, in a national synod at Gap, 1603, determined it to be unlawful, and gave it as their judgment, that those who were called to swear, should content themselves barely with the lifting up of their hands*. The reformed church of Scotland has also exploded the custom, and established the other in its stead. But the English, in many things still proud of their relation to Rome, swear always upon the book. They do not tell the world whether they mean that act of worship to the book itself, or to the human, though inspired, writers of the book; or to the supreme being through that medium. They are reduced to a hard dilemma here, and whatever side they chuse to take, they are fairly exposed to the attacks of their opponents; and the dissenters, and other protestants, who disapprove of this oath, fail not, on very specious grounds, to charge them with retaining the rites and relics of idolatry, if not directly

* Quick's Synodic. Vol. I. P. 239.

practising it. As I live in terms of intimate and cordial friendship with some gentlemen of this description here, I doubt not but you will be pleased to hear how one of them lately managed the argument, with a happy mixture of reasoning and raillery at once united.

“ If the homage is paid to the book intrinsically considered (said my friend, with his usual spirit and good humour), what absurdity to ascribe divinity to some sheets of paper wrapt up in leather? Do they think that these have intelligence of what is passing? That they hear their asseverations and vows, and are conscious witnesses of their sincerity or falsehood, and that they shall judge or reward them accordingly? Then are they in the place of God, and intercept his homage. Were ever any of the ancient nations guilty of a more sottish kind of idolatry? A deity made out of old rags, and the skins of dead animals, may well rival the *apis* and *osiris*, the cats and onions of the Egyptians. After this, a Canadian need not be ashamed to fall down to *Quitche Manitou*; nor the dying Bramin blush to hold fast the tail of his adorable cow to his last breath. Indeed, that the book, in this act of worship, is the deity of the swearer, is too
C 2 “ manifest,

“ manifest; from the sacred name being altoget-
 “ ther left out; being only added by way of
 “ appendix, in the form of a concluding prayer,
 “ which can scarce, by any rule of law or logic,
 “ be said to contain the *formale* of an oath. If
 “ they do not swear by the book, and adore it,
 “ of which kissing is the outward sign, they
 “ properly swear by nothing at all.”

“ If it be said that the Evangelists are hereby
 “ addressed and appealed to,—the matter is no-
 “ thing mended. What! will those who have
 “ discarded saint worship, and cry out so fast on
 “ those who avowedly retain it, so plainly re-
 “ nounce their own principles? A protestant
 “ might, with as safe a conscience, and with
 “ full as good a grace, solicit on other occasions
 “ the favour of St. Matthew, St. Luke, and all
 “ the rest, and beg of them to hand up a peti-
 “ tion and obtain a boon for them in heaven, as
 “ invoke them to be witnesses of their vows on
 “ earth. Nay, as a pagan *Apotheosis* is as good,
 “ at any time, as a popish canonization, it would
 “ be every whit as excusable to address them-
 “ selves to old *Apollo*, or the bearded *Æsculapius*,
 “ or to conjure up again the departed ghost of
 “ *Caligula* or his horse, to aid them in their de-
 “ votion.”

“ If

“ If the religious honour is not meant to
 “ terminate on the book, nor the ammanuenses
 “ of the Gospels, but on him by whom Jews
 “ and Christians are alone called to swear,
 “ Why adore him by such a gross medium, or
 “ address him in such a distant and ceremoni-
 “ ous manner? If the bible is not the acknow-
 “ ledged deity, it is at least considered herein as
 “ his visible image and representative. But by
 “ what authority any devise such visible images
 “ and representations of the invisible object of
 “ worship, or introduce them into religious use,
 “ let those who scruple not, in other cases, to call
 “ image worship idolatry, tell. Or what good
 “ reason can be assigned for admitting and ap-
 “ pointing this visible mode of representation,
 “ and not others equally proper and significant?
 “ Why do they scruple to prostrate themselves
 “ before a crucifix, or kiss an *agnus dei*? Or
 “ what should hinder them from constituting a
 “ man *vice dei*, whom they may approach with
 “ genuflections, and reverently kiss his toe?
 “ Instead of lavishing all their devotion on the
 “ perishing workmanship of *Baskerville* and
 “ *Baumgarten*, Why do they not frame a molten
 “ calf like Aaron, of more durable materials,
 “ and avowedly proclaim, “ These are thy
 “ Gods, O Israel, which brought thee out of
 the

“ the land of Egypt !” Why do they not set up
 “ calves in every city, as Jeroboam did his in
 “ Dan and Bethel ? Yea, What should hinder
 “ the ancient Teraphim, or the disgraced *Lares*
 “ and *Penates* from being restored to their wonted
 “ honour, or becoming part of the godly furni-
 “ ture of every house ? Men have as good right
 “ to make a hundred different forms and re-
 “ presentations of Deity as one : nor are the
 “ means or manner of worship left arbitrary to
 “ foolish and capricious devotees, more than the
 “ object is. If it were otherwise, then must
 “ the greater part both of ancient and modern
 “ idolatry be pronounced venial ; and the Ro-
 “ mish *Latreia* will be effectually sanctified in
 “ all its shapes. The Romanists tell us, even
 “ as their ancestors did before them, that they
 “ are not so stupid or impious as to ascribe divi-
 “ nity, or give supreme worship to their images,
 “ &c. but that their adoration ultimately ter-
 “ minates on the infinite being in and through
 “ these, which they use only as spurs and helps
 “ to their devotion *. When will protestants be
 “ thoroughly such, and become consistent with
 “ themselves !”

* *Histoire de Concil. de Trente*, par Fra. Paolo, p. 946,

“ If one be disposed to enquire (continued
 “ my friend) for what purpose kissing is intro-
 “ duced into the act of swearing, or what signi-
 “ ficancy it has when thus used, he will hardly,
 “ I doubt, be gratified with a satisfactory an-
 “ swer. That a man should use such a ceremony
 “ with a friend or a mistress, endowed with the
 “ same flesh and blood with himself, I can
 “ easily understand. In such a case, if it is not
 “ a pious, it is a natural enough sign of friend-
 “ ship, esteem, and affection : and it may well
 “ be supposed that a lover can never be more
 “ powerfully prompted to make his vows of
 “ eternal fidelity, however he may perform them,
 “ than when he is thus admitted into contact
 “ with his enchanting fair one ; and allowed to
 “ seal his oaths upon her warm and rosy lips.
 “ And, by the bye, this is doubtless, part of that
 “ *bodily worship* which the church of England
 “ obliges a man and woman to promise to give
 “ one another, when, with the sacred emblematic
 “ ring, they enter themselves into hymeneal
 “ bands. And in the first transports of their
 “ fondness, it may be believed, this part of
 “ their vows before the altar will not be forgot :
 “ whether it be the whole or chief part of that
 “ plighted matrimonial worship, shall be left to
 “ the grave and reverend commentators on the
 “ liturgy,

" liturgy, or the officiating priest to explain to
 " his parishioners and new wedded pupils at their
 " leisure.—But what is this to kissing the book ?
 " What affinity is there between the human
 " lips, and a piece of inanimate matter ? Would
 " any but children or madmen ever become such
 " *enamorado's* of a book as to wish to hug and
 " kiss it ? The taste of Pygmalion, and his rag-
 " ing passion for the beautiful marble statue he
 " had carved, was not quite so unnatural : nor
 " was the object of his flame, if fabling poets
 " lye not, so insensible to his ardent kisses and
 " devotions, nor so ungrateful in returns.—To
 " force the *as sublime* of man to such contact
 " with calf-skin, or a piece of red Turkey, How
 " degrading ? Books were surely meant for
 " reading, and not for kissing : but we see those
 " who care not to read, are yet forward to kiss.
 " Many who never read the bible once in their
 " lives, can kiss it twenty times in a day.
 " Thousands of infidels, who know not, or be-
 " lieve not a sentence in the Gospels, are yearly
 " allowed, nay compelled to swear by or on
 " them : how such can be solemnly engaged to
 " truth, how they can be impressed with any of
 " the contents of these sacred books, or filled
 " with veneration for him whose name they bear,
 " is not easy to conceive. Nor is it much easier
 " to

“ to conceive how kissing a book can be really
 “ considered by any as a sacred sanction of an
 “ oath, or a restraint upon their consciences from
 “ uttering falsehood. This is very different from
 “ Job’s appeal to his witness that was in heaven,
 “ and his record on high. But what a woful
 “ tyrant is superstition ; and what a pitiful di-
 “ minutive creature does it render man ? Is it
 “ not a noble employ for grave judges on the
 “ bench to convert the New Testament into a
 “ doll, and teach those grown boobies, male and
 “ female, who are so obsequious to their nod, to
 “ play such childish pranks with it ? What sen-
 “ sations must a man of reflection feel, when he
 “ is admitted to see even the highest assembly
 “ in the nation convened, and commencing
 “ their important operations by a reverend ap-
 “ proach to the gilded image, before which
 “ they must perform the mimical or magic ce-
 “ remony, before they may presume to utter a
 “ syllable ! To see Dukes and Prelates, Lords
 “ and Squires, crowding forward to qualify
 “ themselves for their seats by kissing, or mak-
 “ ing a shew of kissing, the hallowed skin, or
 “ or at least the hand that has been sanctified by
 “ touching it.

“ *Q rem ridiculam, Cato, et jocosam !* ”

D

Were

“ Were this merely a childish and senseless
 “ farce, (continued my zealous friend) it might
 “ more easily be suffered, and be viewed only
 “ with contempt and laughter : but when im-
 “ piety enters into the farce, it appears another
 “ matter. For it is certain that kissing was
 “ used and appointed as an act of adoration,
 “ though never legitimated by divine com-
 “ mand †. The eastern idolaters, in ancient
 “ times, when they saw the sun, adored him by
 “ kissing the hand *. Baal’s worshippers not
 “ only bowed their knees to him, but their
 “ mouths also kissed him ‡. The same rite con-
 “ tinued in the Pagan world in later times.
 “ Cicero tells us of a noted idol in Sicily, whose
 “ chin was worn bare with kissing §. Many
 “ popish shrines and images have suffered not a
 “ little by the same gross and fulsome homage
 “ from their fond votaries. And it is well
 “ known, that the living idol at Rome is adored
 “ by prostrations, and by kissing his toe, or the
 “ slipper that covers it.—We are then come to
 “ the true origin and prime exemplar of this
 “ practice, which, one would think, should not
 “ tend greatly to recommend it to Protestants

† Hof. xiii. 2. * Job. xxxi. 26, 27.

‡ 1 Kings, xix. 18. § Cicero. Orat. ix. in C. Verrem.

“ or reasonable men. It cannot be viewed any
 “ longer as a common and indifferent act, or as
 “ a mere senseless ceremony, as many apprehend,
 “ but as a religious rite.”

“ It would be needful also (added my friend)
 “ that the sticklers for this mode of swearing,
 “ should explain to the satisfaction of the scrupulous,
 “ why the Gospels should be distinguished from other canonical books, and have
 “ this honour peculiarly allotted to them, seeing it is an article of Christian belief, that all
 “ scripture is given by inspiration. Is there any
 “ thing more sacred and divine in the writings
 “ of the four Evangelists, than in the other
 “ books, whereby they are a fitter scare-crow
 “ from perjury? Certainly the difference was
 “ only hatched in the teeming brain of fanciful
 “ priests; and has no higher sanction than that
 “ which gave authenticity to the *missal*, and the
 “ *hours of the Virgin*. Indeed such arbitrary
 “ and unwarrantable distinctions, are not without
 “ precedent. The Jewish Casuists, Scribes, Pharisees,
 “ Hypocrites, long since invented them,
 “ and wanted to palm them on the credulous
 “ people in the matter of oaths: maintaining
 “ that if a man did swear by the temple, it was
 “ nothing; but if he did swear by the god of

“ the temple, he was bound : or if one did
 “ swear by the altar, it was null and void ; but
 “ if he did swear by the *Corban*, or the gift
 “ upon the altar, he was obliged to perform his
 “ oath. But does our divine law-giver com-
 “ mend their ingenious quirks, and ratify their
 “ doctrine ? Hear him, ‘ Ye fools and blind !
 “ whether is greater the gold, or the temple
 “ that sanctifieth the gold ? And again, Ye fools
 “ and blind ! whether is greater the gift, or the
 “ altar that sanctifieth the gift ?*’ Is not the
 “ doctrine and practice of Christian modern
 “ guides nearly a kin to this ? The language of
 “ our modern Scribes, Pharisees, and lawyers
 “ seems to be, ‘ whosoever shall swear by the
 “ name of God, it is little or nothing ! but,
 “ whosoever swears by the book is inviolably
 “ bound. To swear by the law of Moses, the
 “ prophets or epistles, is nothing ; but who-
 “ ever swears by the Gospels is rendered guilty.’
 “ Ye fools and blind ! Whether is greater the
 “ book, or the divine name that sanctifieth the
 “ book ? Whether is greater the Gospels, or
 “ the great author and subject of the Gospels ?
 “ Ye fools and blind ! by what authority are the
 “ Evangelists raised to a higher pre-eminence

* Mat. xxiii. 2, 16, 17, &c.

“ in the kingdom of heaven, than the other
 “ inspired penmen? Who hath taught you to
 “ call one part of the canon holy, and the rest
 “ comparatively, common and prophane? I
 “ hope every intelligent Protestant, will readily
 “ own, that the sacred books should be put on
 “ a level in this respect. With regard to their
 “ spirit and contents, they are all equally holy;
 “ and in regard to their letter, or the materials
 “ of which they are formed into a book, they
 “ are all as profane as *Coke upon Littleton*, *Trif-*
 “ *tram Shandy*, or *Tom Thumb*: and indeed, I
 “ have heard instances of such books as these,
 “ or perhaps the venerable prayer-book, or a
 “ graceless play-book, being substituted in the
 “ place of the sacred volume, and answering
 “ the purpose equally well: for a man’s oath
 “ will undoubtedly be as obligatory, should he
 “ swear by any of these; or by a board, or a
 “ staff, or by their worships beards, or by lay-
 “ ing their hand upon and kissing their b—ch;
 “ as by touching and kissing the Gospels: un-
 “ less it shall be supposed that his Majesty’s prin-
 “ ter acquires, by virtue of his patent, the
 “ wonderful power of producing a new miracle
 “ of Transubstantiation, so that by a few manoeu-
 “ vres of his black art, and the help of his *little*
 “ *devil*, he can suddenly change paper, ink,
 “ and

“ and such like stuff, into quite a different sub-
 “ stance; such as the Papist by mumbling a
 “ few words at the altar, makes out of his
 “ wafer; though unhappily for the credit of
 “ the miracle, among inquisitive and in-
 “ credulous Heretics, like that too, when they
 “ are seen and touched, they appear and feel
 “ as mere books still. If this be supposed,
 “ then what was said of Italy, may very justly
 “ be applied to Britain; for one may there find,
 “ a deity more easily than a man.

“ O happy nations sure, and blest abodes !

“ Where ev’ry book-case is cramm’d full of gods.*”

In such a ridiculous and obnoxious light, did
 my friend exhibit this practice. I will leave
 you to judge of the force of his reasoning;
 whether it may make you a proselyte to his doc-
 trine I cannot tell; I doubt not, but you will
 agree with me, that it is at least very specious;
 And should it be thought strange, that not a few
 should entertain doubts and scruples on this
 head? But it is truly strange that, in a Protestant
 country, any should be exposed to great hard-
 ships and losses on this account. Whatever may
 be thought of the custom, viewed in a religi-
 ous light; though it could be fairly exculpated

* Altered from Dryd. Juvenal.

from

from the charge of superstition and idolatry, and though such mens scruples, were altogether groundless; yet, viewed in a political light, the imposition of this, on men of honesty and conscience, against their conviction, can on no principles whatever be vindicated. Doth not good policy, philosophy, and christian charity, strongly plead for removing all such restraints from good people, and industrious and loyal subjects? Seeing they are heartily willing to swear, when duly called to it, Ought they not to be allowed to do so, in the only manner which is agreeable to their consciences? while that mode is at least, equally calculated for answering all the purposes of an oath, is reckoned even preferable by wise and intelligent men; is supported by the laws and practice of some enlightened nations; and is, by all, allowed to be lawful and innocent. Nay, a mode, which judges, and others, who have been accustomed to the contrary form, have sometimes confessed to be more awfully striking and solemn than the other: a mode, by which the force and obligation of an oath cannot possibly be evaded, and which admits not of such pretexts for pervarication and perjury, as men of loose principles and abandoned consciences, have drawn from the other; and some of this complexion, who would have little scruple to
 seal

seal a lie upon the book, have declared, that they would be filled with dread and horror, should they take the name of God directly into their mouths, and invoke him with uplifted hands to witness a falsehood. Common sense would say, that every man has a just right to expect and claim such a liberty. Yet, strange to tell! no such liberty may be expected in England.

It is indeed too true, that here, as in other countries, a man truly conscientious, is but rarely to be met with, in places and transactions, particularly in which oaths are most current, and more especially, when preferment, honour, or interest, are concerned. In such cases, if the present race of Protestants were required to kiss a slipper, or lick the dust, or swear by the cross or spear of St. George, or a relic of St. *Thomas de Becket*, they would certainly comply with equal facility. Prejudice, and the tyranny of established custom induce multitudes to comply without asking questions; and even men of sense and religion too, without thought and examination, often give their sanction to such acts of conformity; and some, it may be presumed, who are not without their doubts on the subject, rush forward through the prevailing influence of example

ample, in the common road, and chuse rather to strain a point, and hush any rising reflections in their breasts, than expose themselves to trouble and loss, or bear the imputation of singularity, obstinacy, weakness, *quakerism*, *judaism*, and even *popery* itself, sometimes so liberally thrown upon such as refuse. Hence, instances do not every day occur of *Protestants* or Dissenters, even those deemed of the stricter sort, avowing publicly their scruples, or making objections before the courts. But from this, it is not to be concluded, that all are satisfied, and that there is no real grievance. There are others still to be found, who, rather than do violence to their own minds, and commit what they deem an indignity against the majesty of heaven, will suffer the severest hardships, and expose themselves to all the train of disagreeable, and distressful consequences of a refusal. Several, I am told, have done, and several still continue to do so.

And it is easy to conceive, what great disadvantages any person, especially one in public business must sustain, who cannot reconcile himself to this form of swearing. He becomes, on the matter, an outlaw. He can engage in no process, civil or criminal, in which an oath may be necessary. He lies at the mercy of every en-

E

vious

vious and litigious neighbour. His property may become the prey of cheats, sharpers, and plunderers. He can claim no litigated debts or legacies, can legally confirm no deeds, nor stand up in his own defence, on equal terms, however injured. Every court of equity and justice is shut upon him. He can give evidence in no cause, can execute no office, not so much as that of a petty constable or juryman, however often chosen. He cannot perform the most necessary services to his king or his country, his friends or his neighbours, however otherwise capable and willing to do so. He cannot be admitted, were it to redeem an innocent father or brother, from imprisonment or an ignominious end. They may rot in a gaol or die on a gibbet, for any thing his evidence can avail them. If he is a freeholder, his right of election is denied him, or his vote may be set aside at pleasure. If summoned to appear in the causes of others, public or private, What shall he do? If he decline to appear at all, he is fined for a contempt of authority. If in obedience to lawful authority, he appears, he is teased, insulted, and threatened; and perhaps hardly escapes without incurring a heavier fine or imprisonment, for contempt of the court. In vain does he plead conscience, to those who understand not, or regard not,

not the plea. In vain does he assign reasons, and propose to state objections against the common practice: the business on hand, the dignity of the court, and the insolence of office cannot bear them. Yield he must, or abide by the consequences. In vain does he offer to do his duty, or to declare the truth in the most solemn manner which he thinks is in the power of man to do: unless he also consent to bow to *Baal* and kiss him, all he can do or say, is to no purpose. If he happens to be one, who has not got brass enough to withstand the intimidating airs of a surly deputy or his clerk; or wants skill and resolution to defend himself against the powerful rhetoric of some flippant barrister; if precipitated by confusion, overcome by ridicule, overpowered with shame, tired by importunity, induced by friendship or interest, wheedled by artifice, or over-awed by greatness, he will perhaps at last with reluctance comply: but he has no sooner done it than he repents. By one rash act hastily performed, he creates to himself real and lasting uneasiness: he wounds his peace, incurs the censure of those whose friendship and good opinion perhaps are most dear to him, and makes himself an offender probably, against the rules of that church, of which he judges it highly conducive to his religious interests to be a

E 2

member;

member ; for there are some consistories, I am told, who still retain so much of the primitive discipline, as to consider this matter as scandalous, and fail not to take cognizance of their members as often as they are involved in it. Is it an honourable triumph to gain such conquests, and extort such compliances? Should the forms of law be framed and spread out as nets to entangle ; or laid as traps to catch good men, and make them offenders whether they will or not?

The above are not mere probable suppositions, or exaggerated apprehensions. I am certainly assured, that they have all been found real, to the no small loss, vexation, and discouragement of a number of as sober, peaceable, and dutiful subjects as any in the three kingdoms ; and to the great reproach of British policy. The ungenerous have often taken the advantage of their scruples to rob them of their dues. They have sometimes been spitefully or wantonly chosen to offices, which it was known, they could not execute. Some have been exposed to fines, others to imprisonment, and some to the formidable oppressive engine of excommunication, for not answering in the Bishop's courts. Many with the fairest justice and law on their side, have been non-suited ; while others have chused voluntarily

luntarily to relinquish their rightful claims, parting with their purse to preserve their peace, and resigning their cash to save their consciences. The widow and fatherless, have often been in danger of losing their all. Instances are not wanting of some of these being denied, what a deceased husband or parent had bequeathed them, after having earned it, perhaps in the most hard and perilous service of their country, though it was probably the only pittance they had to subsist by; poor women when making such applications, to the disgrace of humanity, have been sent away from some public offices, not only empty, but despitely used. In short, not a year passes, but some, in the city of London alone, are harrassed and put to trouble on this account, in some shape or other. And besides those who are actual sufferers, there are many more who are continually liable to suffer. And it cannot be otherwise, in such a mart of nations as this; where persons of all characters and descriptions, and of every religious party and opinion in Europe, assemble and are allowed to settle: more especially considering the close, federal and commercial union subsisting between North and South Britain, which occasions multitudes of Scotch Presbyterians to reside or transact business here to a very large amount.

It is true these hardships are not always felt. Conformity to this usage has not always been rigidly insisted on. Such as have honestly offered their objections and pled conscience, have often escaped with impunity ; sometimes they have been passed over, or indulged to swear in their own way. Before the higher courts, this indulgence, in several instances, has been asked, and obtained through the liberality, clemency, and good sense of the judges. The eminent Lord, who has so long distinguished himself on the King's Bench, has, in more instances than one, dispensed with this formality, though he is far from having any thing of Presbyterian squeamishness remaining with him. A late Lord Chancellor, when applied to, in a special case of bankruptcy, gave warrant to admit persons to prove their debts by lifting up the hand. In the late election-squabble about a member of Parliament for Westminster, this point was not a little canvassed. As several had votes who were known to scruple the common mode of swearing, this was a difficulty to be got over by the candidates who solicited and expected their interest. They and their friends then freely treated the objection as frivolous, and the restriction as most unreasonable ; and pled that common sense and equity required that these people should be
allowed

allowed to swear agreeably to their principles. And so warmly did they, in that instance, support their rights, that they obtained a sentence of the High Bailiff in favour of the Dissenters ; so that their votes were, at last, with difficulty, admitted ; not without some opposition at first from the popular commoner, who so triumphantly carried the election, however inconsistently with that system of universal liberty he is supposed to have adopted. But what Lord or Commoner will adhere to principle, and stick to system ; or remember their speeches or promises, on such occasions, after they are past ?

However, these are all but precarious favours and indulgences, that are inadequate to the grievance. It depends solely on the disposition of the judge to grant them or refuse them : and in causes wherein different parties are concerned, it may not be in their power to grant them, however willing. In many cases, they are absolutely refused : and besides the difficulty, and sometimes expence of procuring such licences, though obtained, they serve only individuals for a time, and establish no law or precedent. And it is questionable, whether any such votes or oaths, given by dispensation, could be sustained upon a legal scrutiny, as matters presently stand. It is
the

the proper business of the legislature to provide an effectual remedy. Nothing but a new and explicit act can screen subjects from danger and trouble on this head.

It is now high time that such an act were passed, and it would certainly be one worthy of the British senate. Who but tyrants and persecutors, who delight in seeing their fellow men harraressed and oppressed, without any pretext whatever, would grudge such an act of justice? Is not the tyranny of Caligula held in detestation and horror, who inflicted death on some for refusing to swear by the Emperor's genius? Is it not approaching in some degree to that cruelty, to subject honest men to any kind of penalty, and to treat *Protestants* as popish recusants, for not being able to see it lawful to swear by the genius of a book, though heartily willing to do it in a more unexceptionable way?

In this land, *Jews* and *Mahommedans* are allowed to swear in a manner agreeable to their respective principles; the former by the Old Testament, and the latter by their Koran. If swearing by the divine majesty, in the manner proposed, were established or admitted, there would be no necessity for such distinctions; as
that

that would equally suit all nations, languages, and religions. Though no good Christian, perhaps, can well applaud the policy that seems to betray the truth and divine authority of the Gospel; or that indirectly ascribes a sort of divinity to the grand impostor, and authenticity to his ridiculous fables, while a method more proper might be devised to gain the same end: yet such concessions imply a tacit confession that such restraints are improper and impolitical; and that it may conduce more to the advantage of commerce, and the interests of the state in certain cases, to dispense with them; and, therefore, by parity of reason, or rather a *fortiori*, Ought not this to be done in favour of those against whom there lies no proper objection? Shall it be thought that the government of Britain will be more indulgent to malicious and swindling Jews than native Britons? Or that the sottish believers in the dreams and reveries of Mahomet shall meet with greater indulgence, and enjoy more liberty than the conscientious disciples of Christ? Shall Quakers be legally exempted from taking any oath whatever, than which nothing is more evidently founded in the law of nature, or was more universally consented to by all mankind, 'till that self-conceited sect arose; And shall persons who are willing to give

F

security

security to society, in the most solemn, ample, and unequivocal manner, be more hardly used? Shall oaths directly taken by the great and dread name of Jehovah, be accounted of less force, or more dangerous to the commonwealth than the blunt *yea* and *nay* of some opinionative enthusiasts? Shall favourite papists, those disturbers of the repose of nations, whose spirit and principles, can by no sort of alchymy be rendered congenial to the name and interests of protestants, and whose oaths are brittle as a straw; Shall these have the laws new-modelled, and oaths devised and framed by the legislature, to suit their prejudices and liking, while the most determined friends of the protestant interest and government, are denied the benefit and protection of the laws? Shall profligacy, and an entire want of religious principle, entitle any to the character of good subjects? And shall those whose principles and practices declare that they can wantonly sport with the most sacred obligations, have the door wide open for them, not only to obtain justice, but to advance to office and preferment; while tenderness and reverence for sacred things shall be imputed to others as the greatest crime? To suppose British rulers capable of committing such blunders, and giving sanction to such dangerous absurdities, would be

to

to suppose them infatuated indeed, and sunk to the lowest extreme of weakness and folly.

But the fault, in this case, cannot be altogether charged upon the legislature, while the case has never been properly represented, nor application made for redress. Inferior magistrates and judges, though they have often met with instances of persons scrupling and refusing oaths on this ground, and may still expect to meet with more, have never moved for a remedy in law, however easily it might have been procured. Such as are chiefly aggrieved by it, being comparatively few, and those generally in the lower stations of life, have been overlooked, while they have studied to bear their burden in silence, or utter their complaints only in privacy. I have been informed that it has some time been in agitation among them to petition on this subject; but that want of interest, friends and money; or doubts and apprehensions about their success, have hitherto deterred them.

But should the legislature wait till they are solicited in a case so plainly equitable? If at any time, even a few worthy individuals are known to be aggrieved, Is it not more just and humane, to prevent their complaints, and anti-

cipate their supplications, by the most early removal of the cause of their oppression, and a spontaneous redress of their wrongs? Are they not the immediate guardians of civil and religious liberty; and is it not their proper business to correct the abuses, and supply the defects of the constitution? Ought they not to provide for the ease and comfort of all the subjects, the advancement of commerce, the protection of property, and an equal and impartial administration of justice? Should not this then be considered as public matter, and taken up on general principles, rather than as the private cause of a few? Is it not hard, that those, who have already sustained many damages and losses, not through any fault of theirs, should be put to the additional trouble and expence of hiring counsel, and paying fees in procuring a law to which they are entitled by the laws of God and nature, and the principles of a free government, and for which they may look up to the wisdom and justice of their country? Have not many motions been introduced into Parliament, less deserving of attention? The late relaxation of the penal laws in favour of Roman Catholics, was not in consequence of their petitions, but is said to have been offered them, before they ventured to ask it. Are there no members in either house

possessed

possessed of so much humanity and public spirit, as to move for, and support a bill for relief in this case? Or is it possible that any opposition could be made to such a proposition? If any could be found, so malignant and malicious as to attempt to defeat its success, Would he not deserve to be hissed with contempt, or held in execration by every generous Protestant? On what plea could such an opposition rest? Or, what harm could possibly result from such an easy indulgence? On the contrary, What satisfaction must it necessarily give to every benevolent breast? What gratification to those who are now under great temptations to think themselves hardly treated? How would their confidence in their rulers, and their gratitude and attachment to their government, naturally rise in proportion as they found themselves protected and encouraged by them?

If the Scottish branch of the legislature did not consist either of *mutes*, or of gentlemen indifferent about, or apostates from the religion and interests of their country, it might reasonably be expected, that they would exert themselves for obtaining such a liberty. They, above all others, are in duty and honour bound to take a decided part in a business wherein their countrymen are
so

so peculiarly interested. With them it may be viewed, in some sort, as a national affair, in which their trade, their rights, and their privileges, as a free people, are concerned. It is known that there is no other mode of swearing established in Scotland than by lifting up the right hand. This method, the people there are not only accustomed to; but many of them have been religiously taught, and believe, that the English method is very exceptionable and unlawful. All of them have not their religious opinions or usages hanging so loose about them, as that they can be shifted at pleasure. When persons are sincere, these will not give way to mere authority, convenience, or interest. In consequence of the incorporating union, the people of Scotland are more closely connected with England than any other: and great numbers of them have occasion to reside or transact business in the metropolis, and in every corner of the land. But how can they do this with freedom and satisfaction, if they are by principle cut off from the benefit of law? The spirit, if not the letter of the union, in order to render it complete, must certainly be understood as reserving to Presbyterians a liberty to swear according to their consciences, and the manner of their country. These, it would seem, need not beg it

as an indulgence, but may insist upon it as their legal right. If their commissioners at the treaty did not secure this to the natives of North-Britain, they certainly acted a weak and inconsistent part.

It is expressly provided in the *Act of Security*, which was ratified by the *Act of Union*, that no oaths shall be imposed upon the members of the church of Scotland, contrary to their principles. There is equal reason for understanding this of the *manner*, as well as the *matter* of oaths : and it is but reasonable that this fundamental law, in the fullest sense of it, should be interpreted as extending to the members of that church, whether residing on the North or the South side of the Tweed ; at least so far as relates to naturalization and free intercourse, or the enjoyment of natural and civil rights. Some likewise affirm, that the King of Great Britain, when he takes the oaths appointed by law for Scotland, at his coronation, is himself obliged to swear in the manner of that country ; a clear evidence that they are legally possessed of it as a national right, which they have no reason to resign with respect to the people, for whose sake royalty itself is bound to yield conformity. When these things are considered, the same submission

mission of the greater part of the natives of North Britain, is somewhat astonishing ; and their compliance no law or constitutinal authority, it would seem, can compel. It is very doubtful if any act or statute can be produced, obliging any English subject, contrary to his own choice, to swear upon the book ; and whether any penalty can legally be inflicted upon a refusal. Nothing but common usage, or unwritten law, can be found to warrant this. But the case is quite clear with respect to Scotland : there is no shadow of law, or authority whatever, which deserves the smallest regard from its inhabitants, in this matter, at least when residing in their own country. Yet I have been told by some gentlemen from thence, that their neighbours, not content with harrassing them and abridging their privileges when among them, have become so bold as to encroach upon them in their own territories, by introducing their corporal oath into the Exchequer Courts and Custom-houses ; and some have been put to trouble for refusing to submit to such illegal innovations, though to their lasting infamy, there are few indeed but rather chuse to yield them with a spirit of mean servility.

If relief is not speedily proposed, and held out
by

by any of those, from whom laws, relative to the public, should originate, I am well assured that the business shall not be much longer left to sleep. The design of making application to the legislature is again revived, and seriously talked of at present. In such an application, not only those who have long been suffering under the grievance, but all foes to absurd and nonsensical forms, to doubtful or superstitious customs, and impolitical and tyrannical restraints, will have opportunity to concur. And if persons of various denominations would embrace the present moment, and heartily unite in such a necessary and laudable design, of which it is said there are some favourable appearances, very sanguine hopes of success would be entertained by many. In such an event, it cannot at all be doubted but that a sovereign of the House of Hanover, who is as much indebted to the Presbyterian and dissenting interest, for a peaceable and firm possession of the throne, as to any other description of men in the kingdom, will lend a gracious ear to such a reasonable request: and that no minister will presume to advise his Majesty not to listen to the humble representations and dutiful desires of even the meanest of his faithful subjects, unless they mean, by fresh instances, to render him the most unpopu-

lar monarch of any of his illustrious line. Nor can it be once thought that an administration, who glory in being considered as the friends of the people ; or a Parliament, who have so zealously declared in favour of petitions for a redress of grievances, and an extensive system of liberty, will hesitate a moment, whether they should give ease, were it only to a few virtuous citizens, that, at present, in some respects, are in a far worse situation than Romanists, Jews, Turks, or Infidels. Their sister-parliament of *Ireland* have recently set before them a stimulating example, by granting relief, in this matter, to a body of Presbyterian Dissenters in that kingdom, who were in similar circumstances ; though they have clogged that favour with some restrictions, little according with their known wisdom and profuse liberality in other things *. If the British Parliament

* In what is called the *Seceders Bill*, passed last Session of the Irish Parliament, those of that denomination are exempted from the Book-oath, except in criminal causes, and in oaths to qualify for publick employments ; at the same time it is required, that before any person can take the benefit of the new act, he must swear, that he has been a Seceder for a year before. These clogs make the deliverance granted very partial and defective. In many cases they are still kept under the galling yoke ; and some who may have a present desire and necessity to take the immediate benefit of the bill,

liament has not had the honour of being first in redressing this grievance, it is hoped it will improve upon the example, and enact that all British subjects, without exception, be exempted from a necessity of swearing upon the Evangelists, and that all who desire it shall be henceforth at liberty to swear in the manner practised in North-Britain, as often as any oath shall be tendered to them, in any cause or court of the united kingdom ; declaring and ordaining, that an oath taken in this way, shall be held as valid, to all intents and purposes, as any other.

I have, my dear Sir, dwelt longer on this topic than I intended, when I first took my pen to write to you. My attachment to the just principles of human and protestant liberty, a full conviction of the absurdity and iniquity of retaining

bill, in other cases, may yet be deprived of it, during the course of a year, perhaps to his irretrievable loss or ruin. And after all, a man must qualify himself for taking the benefit of the act, by actually taking the benefit of it ! He is obliged to swear by lifting up the hand, in order to prove (*risum teneatis ?*) that he is one that ought to be allowed to swear by lifting up the hand ! What is this but to make a thing a previous condition of itself ? According to this odd system of *Hibernian* politics, the previous conditional oath ought to proceed in an eternal series, and be multiplied in *infinitum*. Some merry wag would be ready here to exclaim, a *Bull ! a Bull !*

such an engine of oppression, in a free government, as well as my regard to the moral and religious characters of the persons who suffer under it, have perhaps engaged me, a little warmly in the subject, and unawares interested me in their cause. I shall never be ashamed to befriend honest and conscientious men, especially when oppressed and injured, even though I were persuaded (as in the present case I am not) that they were chargeable with weaknesses and groundless scruples. As I propose only a temporary and short residence in this land of *surplices* and *Common-prayer*, I have little occasion to interest myself in the matter, on my own account. As I know you a hearty friend of mankind and of protestantism every where, I expect your ready indulgence and forgiveness for encroaching so long on your time. And I doubt not, but you will join with me, in earnestly wishing success to the design just mentioned: and I hope very soon to have the pleasure of informing you that our utmost wishes and hopes, in this matter, are fully answered.

I am, dear friend,

With high esteem,

London,

Your's for ever,

October 3, 1782.

ERRATA.--P. 8. l. 13. for *it*, r. *is*.--P. 8. (in the notes) for *Hal.* r. *Ital.*--P. 11. l. 6. dele *at once united*.--P. 16. l. 7. dele the apostrophe



